

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JAMAL SHAKIR,**

**Defendant.**

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**No. 3:98-00038**

**Judge Nixon**

**ORDER**

Pending before the Court is the United States' ("Government" or "Prosecution") Motion *In Limine* For Production of Statements of Defense Witness Jan Vogelsang, Pursuant to Fed. R. Crim. P. 26.2 and for Production of All Facts and Data Relied Upon in Forming Her Expert Opinion Pursuant to Fed. R. Evid. 705 ("Motion *In Limine*") (Doc. No. 3211). The Defendant, Jamal Shakir ("Defendant" or "Shakir") filed a Response in Opposition (Doc. No. 3213).


The Government moves the Court to order the Defendant to produce any written statement made by, signed, or otherwise adopted or approved by defense witness Jan Vogelsang. The Government's request is made pursuant to Federal Rule of Criminal Procedure 26.2. Additionally, the Government requests that the Court order the production of all facts and data Jan Vogelsang has relied upon in forming her expert opinion. This request is made pursuant to Federal Rule of Evidence 705. The information requested consists, at least in part, of interview notes made by Jan Vogelsang. (Doc. No. 3211). The Defendant opposes the Motion *In Limine* and notes that he has not, nor have any of his attorneys, ever been in possession of Jan Vogelsang's interview notes, nor has she ever produced any type of report in this case. Further,

the witness did not have any notes with her on the witness stand, and stated that she has not reviewed her notes in several weeks. (Doc. No. 3213).

After review, the Court finds that the interview notes of Jan Vogelsang are not discoverable under the Federal Rules of Criminal Procedure 16(b) or 26.2, nor Federal Rule of Evidence 705. Therefore, the Court **DENIES** the Government's Motion *In Limine*. (Doc. No. 3211).

It is so ORDERED.

Entered this the 17th day of April, 2008.

  
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JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT